

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In re: :  
DENNIS R. FERGUSON : Chapter 13  
and :  
JOYCE L. FERGUSON :  
: :  
: :  
Debtor(s) : Bankruptcy No. 21-10258AMC

**OBJECTION TO PROOF OF CLAIM NO 2-2 OF  
PYOD, LLC**

Scott F. Waterman, the Chapter 13 Trustee, pursuant to 11 U.S.C. § 502 and F.R.B.P. 3007 hereby objects to Proof of Claim Number 2-2 of PYOD, LLC (“Creditor”) and states the following reasons in support thereof:

1. On February 1, 2021 the Debtors filed the instant Chapter 13 case.
2. On February 12, 2021 Creditor filed the attached unsecured Proof of Claim No. 2-2 in the amount of \$725.47. A true and correct copy of the Proof of Claim is attached hereto as Exhibit “A.”
3. The statute of limitations for any breach of contract claim is 4 years from the date of the breach. See 42 Pa.C.S.A. § 5525; In re Michael Angelo Corry Inn, Inc., 297 B.R. 435 (W.D. Pa. 2003); Baird v. Marley Company, 537 F. Supp. 156 (Bankr. E.D. Pa. 1982).
4. According to the Proof of Claim, the Creditor admits that the Debtors’ last payment was on May 31, 2003 over eighteen years prior to the filing in this case. (See page 4 of Proof of Claim)
5. The statute of limitations regarding the debt listed in this proof of claim has expired.

6. Accordingly, the Claim is time barred and is unenforceable and should be disallowed pursuant to 11 U.S.C. 502(b)(1).

**WHEREFORE**, the Chapter 13 Trustee requests that this Court sustain his objection and disallow the claim and enter the attached order.

Respectfully submitted,

Dated: December 23, 2021

By: /s/Scott F. Waterman  
Scott F. Waterman, Esquire  
Standing Chapter 13 Trustee  
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